

REMARKS

Claims 1-8, and 11 are presently pending in the application. Claim 11 has been amended and claims 12-13 have been cancelled.

Rejections Under 35 USC §112

Claims 11 and 12 have been rejected under 35 USC §112, first paragraph as the claims not being reasonably enabled by the specification. Applicants have incorporated elements from claim 13 into claim 11. The rejection is therefore moot. Reconsideration and withdrawal are respectfully requested.

Rejections under 35 USC §103

Claims 1-8 and 11-13 have been rejected under 35 USC §103 as being obvious over WO 02/22597 to Buerger et al. More particularly, the Examiner states that Buerger teaches substituted pyrimidine compounds which have tyrosine kinase inhibitory activity, the instantly claimed compounds only differing in that R3 is alkyl, as compared to hydrogen on the terminal phenyl ring.

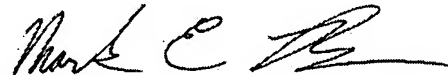
In applying the test for obviousness to chemically similar structures, the Court of Appeals Federal Circuit recently laid out a standard in *Takeda Chemical Industries Ltd. v. Alphapharm Pty. Ltd.*, 83 USPQ2d 1169 (Fed. Cir. 2007). The Court stated, "in many cases involving new chemical compounds, it remains necessary to identify some reason that would have led a chemist to modify a known compound in a particular manner to establish a prima facie case of obviousness. ... in order to find a prima facie case of obviousness (for structurally related compounds), a showing that the 'prior art would have suggested making the specific molecular modifications necessary to achieve the claimed invention' was also necessary."

In the present case, the Examiner has shown nothing in the prior art to suggest making the specific molecular modifications, so the references fail in rendering the claimed invention obvious. Furthermore, the presently claimed compounds have shown unexpected results, in that presently claimed compounds have in vitro IC50 values for Bcr-Abl as low as 10 nM, as exemplified in the table under example 21 of the present application. Withdrawal and reconsideration are respectfully requested.

Should the Examiner have any questions, please contact the undersigned attorney.

Respectfully submitted,

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